

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name Black Cornel  
 (Last) (First) (Initial)

Prisoner Number V-65533

Institutional Address Po Box 409020

E-filing

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

Cornel Black  
 (Enter the full name of plaintiff in this action.)

vs.

Warden Serbna

California

Cornel Black

Institutional Religious

(Enter the full name of respondent(s) or jailor in this action)

CV

08

3218

Case No. \_\_\_\_\_  
 (To be provided by the clerk of court)

**PETITION FOR A WRIT  
 OF HABEAS CORPUS**

**(PR)**

Read Comments Carefully Before Filling In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

Who to Name as Respondent

You must name the person in whose actual custody you are. This usually means the Warden or jailor. Do not name the State of California, a city, a county or the superior court of the county in which you are imprisoned or by whom you were convicted and sentenced. These are not proper respondents.

If you are not presently in custody pursuant to the state judgment against which you seek relief but may be subject to such custody in the future (e.g., detainers), you must name the person in whose custody you are now and the Attorney General of the state in which the judgment you seek to attack was entered.

A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

1. What sentence are you challenging in this petition?

- (a) Name and location of court that imposed sentence (for example; Alameda County Superior Court, Oakland):

Superior Court Santa Clara County  
Court Location

- (b) Case number, if known C3448323

- (c) Date and terms of sentence 04 30 TO LIFE

- (d) Are you now in custody serving this term? (Custody means being in jail, on parole or probation, etc.) Yes X No

Where?

Name of Institution: MULE CREEK STATE PRISON

Address: <sup>Box</sup> 404020 TONE, CA 95640

2. For what crime were you given this sentence? (If your petition challenges a sentence for more than one crime, list each crime separately using Penal Code numbers if known. If you are challenging more than one sentence, you should file a different petition for each sentence.)

289(a) 3 SECOND INCIDENT WAS DONE WHEN  
APPELLANT WAS ASLEEP IS NOT CAUSE TO  
GIVE 30 TO LIFE

Preliminary Hearing: Yes x No       

Motion to Suppress: Yes x No       

4. How did you plead?

Guilty \_\_\_\_\_ Not Guilty X Nolo Contendere \_\_\_\_\_

Any other plea (specify) \_\_\_\_\_

5. If you went to trial, what kind of trial did you have?

Jury X Judge alone \_\_\_\_\_ Judge alone on a transcript \_\_\_\_\_

6. Did you testify at your trial? Yes \_\_\_\_\_ No X

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes   X   No       

(b) Preliminary hearing Yes x No \_\_\_\_\_

(c) Time of plea Yes X No \_\_\_\_\_

(d) Trial Yes x No       

(e) Sentencing Yes X No       

(f) Appeal Yes X No \_\_\_\_\_

(g) Other post-conviction proceeding Yes \_\_\_\_\_ No X

8. Did you appeal your conviction? Yes X No \_\_\_\_\_

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes \_\_\_\_\_ No \_\_\_\_\_

Year: 05 Result: DEMED (NO CAUSE OR OPINION)

Supreme Court of California Yes X No \_\_\_\_\_

Year: 06-07 Result: DEMERED (NO OPINION GIVEN)

Any other court Yes 2 No       

Year: 08-08 Result: DENIED without Prejudice

(b) If you appealed, were the grounds the same as those that you are raising in this

1 petition? Yes \_\_\_\_\_ No ☒

2 (c) Was there an opinion? Yes \_\_\_\_\_ No ☒

3 (d) Did you seek permission to file a late appeal under Rule 31(a)?  
 4 Yes ☒ No \_\_\_\_\_

5 If you did, give the name of the court and the result:

6 ALL COURTS

7  
 8 9. Other than appeals, have you previously filed any petitions, applications or motions with respect to  
 9 this conviction in any court, state or federal? Yes \_\_\_\_\_ No ☒

10 [Note: If you previously filed a petition for a writ of habeas corpus in federal court that  
 11 challenged the same conviction you are challenging now and if that petition was denied or dismissed  
 12 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit  
 13 for an order authorizing the district court to consider this petition. You may not file a second or  
 14 subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28  
 15 U.S.C. §§ 2244(b).]

16 (a) If you sought relief in any proceeding other than an appeal, answer the following  
 17 questions for each proceeding. Attach extra paper if you need more space.

18 I. Name of Court: \_\_\_\_\_

19 Type of Proceeding: \_\_\_\_\_

20 Grounds raised (Be brief but specific):

21 a. \_\_\_\_\_

22 b. \_\_\_\_\_

23 c. \_\_\_\_\_

24 d. \_\_\_\_\_

25 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

26 II. Name of Court: \_\_\_\_\_

27 Type of Proceeding: \_\_\_\_\_

28 Grounds raised (Be brief but specific):

1 a. \_\_\_\_\_

2 b. \_\_\_\_\_

3 c. \_\_\_\_\_

4 d. \_\_\_\_\_

5 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

6 III. Name of Court: \_\_\_\_\_

7 Type of Proceeding: \_\_\_\_\_

8 Grounds raised (Be brief but specific):

9 a. \_\_\_\_\_

10 b. \_\_\_\_\_

11 c. \_\_\_\_\_

12 d. \_\_\_\_\_

13 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

14 IV. Name of Court: \_\_\_\_\_

15 Type of Proceeding: \_\_\_\_\_

16 Grounds raised (Be brief but specific):

17 a. \_\_\_\_\_

18 b. \_\_\_\_\_

19 c. \_\_\_\_\_

20 d. \_\_\_\_\_

21 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes \_\_\_\_\_ No ✓

24 Name and location of court: \_\_\_\_\_

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to  
27 support each claim. For example, what legal right or privilege were you denied? What happened?

28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you



1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent  
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,  
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: INEFFECTIVE COUNSEL CRUEL AND UNUSUAL  
6 PUNISHMENT UNFAIR Religious Persecution

7 Supporting Facts: 1980 - ATTEMPTED murder. ATTEMPTING  
8 TO murder car window WHEN male victim gave  
9 MIDDLE finger TO co-defendant car. IS AGAINST  
10 CONSTITUTION. IN 1980 CASE

11 Claim Two: False Imprisonment

12  
13 Supporting Facts: Falsely Imprisoning co-defendant while  
14 Female victim got away. IS CRUEL AND UNUSUAL  
15 PUNISHMENT IN 1980 CASE

16  
17 Claim Three: Assault with deadly weapons

18  
19 Supporting Facts: PHYSICAL APPEARANCE OF Appellant. CAUSED  
20 victim TO look away AT KNIFE HANDED TO HIM  
21 By someone else TO collect package and REQUESTED  
22 THAT Appellant NOT HURT ANY ONE. IS CRUEL AND  
23 UNUSUAL PUNISHMENT.

24 If any of these grounds was not previously presented to any other court, state briefly which  
25 grounds were not presented and why:

26 Appellant IS SLOW TO SPEAK AND ATTORNEY WAS  
27 INEFFECTIVE IN SHOWING Appellant THE LAW  
28 THAT BREAKING WINDOWS AND PHYSICAL APPEARANCE IS  
NOT good cause for society TO cage him up.

1 List, by name and citation only, any cases that you think are close factually to yours so that they  
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning  
3 of these cases:

4 Reynolds ALUMINUM CAN COMPANY, TEXICO OIL COMPANY  
5 HARDY. OPTIMAL SIEZURES  
6 \_\_\_\_\_

7 Do you have an attorney for this petition?

Yes \_\_\_\_\_ No X

8 If you do, give the name and address of your attorney:

9 SEEK AND REQUEST CO-COUNSEL  
10 \_\_\_\_\_

11 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in  
12 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

13 Executed on 6-22-08

14 Date

15 YU2  
16 Signature of Petitioner  
17  
18  
19  
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26  
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28

(Rev. 6/02)

ROMERO ACT.

INEFFECTIVE ASSISTANCE OF COUNSEL

CRUEL AND UNUSUAL PUNISHMENT

Religious Persecution

INTELLECTUAL THEFT. BY CALIFORNIA MULE CREEK

RIGHT TO ~~BE~~ <sup>BE OUR NATION</sup> ~~OUR NATION~~.

ROMERO ACT.

IN 1980 Plaintiff: WAS ARRESTED FOR ATTEMPTING TO MURDER  
A CAR WINDOW AFTER CO-DEFENDANT HANDED  
PLAINTIFF A BASEBALL BAT BECAUSE MALE VICTIM  
GAVE CO-DEFENDANTS CAR THE MIDDLE ~~TO~~ FINGER

APPELLANT THEN ~~WAS~~ APPELLANT SAW MALE VICTIM  
AND CO-DEFENDANT FIGHT FROM 30 FEET FOR  
ABOUT 2 TO 3 SECONDS. VICTIM RAN AWAY.

CO-DEFENDANT THEN LEFT WITH FEMALE VICTIM AND  
REALIZED HE LEFT APPELLANT BY SIDE OF ROAD  
HE BACKED UP CAR AND SAID "GET IN CAR STUPID"  
APPELLANT THEN FALSELY IMPRISONED CO-DEFENDANT  
WHEN CO-DEFENDANT TRIED TO HAVE SEX WITH  
VICTIM. VICTIM LEFT. COUNSEL FAILED TO SHOW  
THAT PEOPLE ATTEMPT TO MURDER AS WELL AS  
COMPANIES RENALDS - TEXICO. AND THEY DO NOT  
GO TO JAIL BUT RECEIVE LARGE PAY CHECKS



(2)

1992 Plaintiff was hired by David Vargas to pick up package of 1/2 pound of meth and to ask for Peter Davis. victim saw how ugly appellant was and she looked down at knife appellant Mr Vargas handed him. appellant tried to comfort victim by saying "I want hurt you I'm just looking for Peter Davis. This went on for about 2 to 3 seconds. Appellant ran away so that victim didn't have to view his face. Appellant was shot in back twice.

2 white police officers stopped Rosa Davis and let her go. They wanted Peter Davis. Appellant does not know Peter Davis, only Thomas Bueno the victim's friend.

2004- LEWD BEHAVIOR LASTING 3 SECONDS. A wobbler by jury standards. Appellant looked at Jane Doe's room. Jane Doe was his daughter. A Mr. Jesse Gonzalez was going through appellant's bedroom windows. Appellant pestered at for and hour or a few minutes. He is not sure when event occurred. He was awoken by Jane Doe.

(3)

(RELIGIOUS PERSECUTION BY CHRISTIAN RELIGION) CHRISTIANS AT MULE CREEK ARE TAUGHT TO DEMEAN AND IN RETURN TEACH OTHERS TO DEMEAN people by keeping TRUTH COMPLETE TRUTH FROM OTHERS

EVIDENCE IN THE CHRISTIAN BIBLE IT IS SAID THAT ADAM AND EVE HAD CAIN AND ABLE. THE TRUTH IS THAT EVE WAS ADAM'S CHILD. IF A FATHER PRODUCES A SON, ANOTHER PRODUCES A DAUGHTER. FULL FILLING NOAH'S 2 BY 2. CAIN WAS THE SON OF CHIRSTYLE AND ~~ABLE~~ ABLE THE SON OF EVE CAIN AND EVE HAD SEMI LEAVING ADAM TO DIE OF A BROKEN HEART. THATS WHEN ~~GOD~~ GOD THE FATHER SPOKE TO ADAM.

FURTHER EVIDENCE IS THE NEW TESTAMENT PASSAGE IF YOUR ENEMY SLAPS YOU. TURN THE OTHER CHEEK. THE TRUTH IS DONT LOOK AT OTHERS AS ENEMYS AND YOU WONT GET SLAPPED. AND YOU WONT SLAP OTHERS

BECAUSE OF PERSECUTION, APPELLANT THOUGHT HE DOES NOT WANT TO DIE HUMBLY REQUEST LETHAL INJECTION BE IMPOSED ON HIM. SINCE CHRISTIAN LOVE TO HANG people OUT TO DRY. BY DENYING THE MASSES THE TRUTH. JOBS. AND SECURITY AS WELL AS FREEDOM.

INTELLECTUAL THEFT BY MULE CREEK STATE PRISON  
 UNDER GANG MEMBERS' ANONYMUS. APPELLANT  
 STARTED UDM THROUGH HIS AN-RAM PROJECT (SEE  
 DRUG ENFORCEMENT AGENCY.) (LATINOS POR LA GENTE)  
 (SAN JOSE PD) ETS. AN-RAM 54-720-54.

BELIEVE PEOPLE ARE ADULTS AT 21 NOT EIGHTEEN  
 AS KALIFORNIA DOES. (SEE DRUG SALES. TARGETING  
 SYSTEM) (SEE TORA DAVIS) (SEE JUAN REYNA) ALL  
 PRIOR TO HIS ARREST.

BECAUSE OF HIS BELIEF SYSTEM HIS RELIGIOUS, GOVERNMENTAL,  
 AND INTELLECTUAL PROPERTY HAS BEEN STOLEN. APPELLANT  
 IS GLOBAL CITIZEN SINCE MOTHER LEFT HIM AT THE TREE  
 STUMP. RAISED BY MEXICAN NATURAL Sincerely

CHARLIE BLACK

CC. ACLU NEW YORK  
 UNITED NATIONS (O.N.E) NEW YORK,  
 NORTHERN DISTRICT  
 TECHNOLOGY LAW FIRM OF NEW YORK  
 TIME SQUARE TEXES

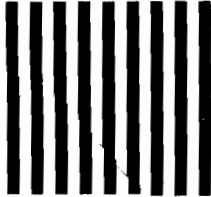
PS APPELLANT HUMBLY REQUEST CO-COUNSEL  
 AND FOR CASE TO BE REOPENED AND FOR  
 COURT TO CONTINUE NOT BEING PREJUDICED  
 IF EXTENSIONS ARE NEEDED PLEASE GRANT.

CROBRIEL Black  
✓-65533 A-5-142  
mcsp  
PO Box 409020  
TONE CA 95640

M



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